

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

BOGHOS v. LLOYD'S OF LONDON

S117735 (H024481; Santa Clara County Superior Court – CV803331)
Argued in San Francisco 5-25-05

This case includes the following issues: (1) Did the “service-of-suit” clause in a disability insurance policy, under which the insurer consented to submit to “the jurisdiction of a court of competent jurisdiction” on any claim of failure to pay benefits due under the policy, authorize the insured to bring a court action based upon the insurer’s failure to pay benefits allegedly due under the policy and support the trial court’s denial of the insurer’s motion to compel arbitration under a general arbitration clause in the same insurance policy? (2) Do the requirements for arbitration of claims of employment discrimination established in *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal.4th 83 and *Little v. Auto Stiegler, Inc.* (2003) 29 Cal.4th 1064, including restrictions on imposing arbitration costs on a party pursuant to an adhesion contract, apply to the arbitration of insurance claims?

CUMMINS v. SUPERIOR COURT

S117726 (E032377; Riverside County Superior Court – RIC361915)
Argued in Los Angeles 6-01-05

This case includes the following issue: Do the “repair or replace” provisions of the Song-Beverly Consumer Warranty Act (Civ. Code, §1793.2) apply to a motor vehicle purchased outside California when similar vehicles made by the manufacturer are sold in California and when the efforts to repair the defect in the vehicle, as required by the statute, occur in California?

MILLER v. DEPARTMENT OF CORRECTIONS
(formerly *Mackey v. Department of Corrections*)

S114097 (C040262; Sacramento County Superior Court – 99AS03354)
Argued in San Francisco 5-03-05

This case includes the following issues: (1) When a male supervisor repeatedly grants favorable treatment in promotions and other employment decisions to female employees with whom the supervisor has had a consensual sexual relationship, may such conduct support a claim of sexual harassment under the Fair Employment and Housing Act (FEHA) by female employees who have not been involved in such a relationship with the supervisor? (2) Even if plaintiffs lacked a viable claim for sexual harassment under FEHA on the basis of the foregoing conduct, do the anti-retaliation provisions of FEHA prohibit an employer from subjecting plaintiffs to adverse treatment for making such a claim?

Opinion(s) in the above case(s) will be filed on:

Monday, July 18, 2005 at 10:00 a.m.
